महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम,१९६६
कलम ९१ अन्वये नगर रचना योजना क्र. III वIV
माहीम मध्ये बदल करणेबाबत

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन अधिसूचना क्रमांकः टिपीबी- ४३१०/४५८/प्र.क्र.४४/१०/नवि-११
मंत्रालय, मुंबई : ४०० ०३२, दिनांक : १४ जून,२०१०.

शासन निर्णयः- सोबतची अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(राजेंद्र हाबडे)
अवर सचिव, महाराष्ट्र शासन.

प्रति,
महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई (नकाशासह),
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे (नकाशासह),
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई (नकाशासह),
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई (नकाशासह),
उप सचिव, नगर रचना, मंत्रालय, मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यांत येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, इन्साहटमेंट, आझाद मैदान, मुंबई-१ यांना पाठविण्यांत याव्यात.)

कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी)

निवडनस्ती (नवि-११).

Maharashtra Regional and Town Planning Act, 1966.
Variation under section 91(2) to the Town Planning Scheme No.III & IV Mahim.

NOTIFICATION

Government of Maharashtra
Urban Development Department,
Mantralaya, Mumbai 400 032.
Date:- 14th June, 2010.

NO.TPB-4310/458/CR-44/2010/UD-11:- The Town Planning Scheme No. IV, Mahim (Principal) (Final) has been sanctioned by the Government in 1963 to came into force with effect from 15/8/1963 and the 1st variation to this scheme was sanctioned by the Government in Urban Development And Public Health Department in 1977 to came into force with effect from 1/5/77 (hereinafter referred to as the said Scheme No. IV). As per the form B of the said Scheme No.IV, the names of the owners of the F.P.No.1046 admeasuring 841.14 sq.mt. (hereinafter referred to as the "said plot") are Devdutt Vasant Dhumatkar, Madhav V. Dhumatkar & Dr. Umakant V. Dhumatkar..

The Town Planning Scheme No.III, Mahim (1st variation) (Final) has also been sanctioned by the Government in Urban Development Department in 1986 and came into force from 1st May 1986 (hereinafter referred to as the said Scheme No.III). In the said Scheme No.III Final Plot No.539 (hereinafter referred to the "said Reserved Plot") has been reserved for "Market cum Housing for Dishoused" and it vests with the Municipal Corporation of Greater Mumbai (hereinafter referred to as the 'said Corporation') at the scheme cost as per provisions contained in section 88 of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as the 'said Act').

The Revised Development Plan of G/North Ward (hereinafter the 'said Plan') has been sanctioned by the Government in Urban Development Department under section 31(1) of the said Act vide Notification No.TPB-4391/2476/UD-11(RDP), dt.10/3/92 to came into force with effect from 20/4/92. In the said plan, the said reserved plot of the said scheme No.III has also been reserved for "Municipal Retail Market and Housing for Dishoused" and widening of the existing road and falls in Residential Zone.

The Revised Development Plan of G/South ward has been sanctioned by the Government in Urban Development Department under section 31(1) of the said Act vide Notification No.TPB-4391/2424/UD-

11(RDP) dt. 20/12/91 to came into force with effect from 30/12/92. In the said G/South Development Plan, the plot No.1046 of the said scheme No. IV is shown in Special Industrial Zone (I-3) & is affected by existing road namely New Prabhadevi Road.

As per the documents submitted by & informed by the Municipal Corporation of Greater Mumbai, the said final plot No.1046 was to be handed over to allottee M/s Canara Food Processors Pvt. Ltd. (hereinafter referred to as "the said allottee"). However, the said Corporation was not able to hand over the said plot to the said allottee since the plot was encroached. The said allottee, therefore, had filed various suits against the said Corporation praying for handing over the vacant possession of the said plot. The Corporation therefore entered into compromising terms with the said allottee to give suitable alternative plot as a pre-requisition for withdrawal of the various court cases filed by the allottee.

Accordingly, the said Corporation has allotted the part of plot no.539 (admeasuring about 600 sq.mt.) of the said Scheme No.III to the said allottee. The said reserved plot (Final Plot No.539 part) is in possession of the said Corporation and is reserved for "Market Cum Housing for Dishoused" in the said scheme no.III as well as in the said plan. Since the ownership of this plot could not be transferred to said allottee, unless the said scheme No.III is varied, the said reserved plot was allotted on a short lease of 10 years. The said allottee is requesting for giving the said reserved plot on free hold basis instead of lease hold.

After taking over the possession of part of said reserved plot, the said allottee has constructed Gr+3 storyed building with the previous approval of the said Corporation in the year 1985, which is being used for bank, polyclinic and residential purpose.

Considering all the facts and circumstances referred to above, the said Corporation vide its letter No.CHE/DP/611/TPS/IV dated 11/6/98 has requested Government to issue directions to the said Corporation under section 91(1) of the said Act to vary the said scheme No.III partly for the said reserved plot thereby deleting the said reserved plot (partly) from the reservation of "Market cum Housing Dishoused".

Considering the above mentioned facts and the said Corporation's commitment, the Government found it necessary to vary the said scheme No.III and the variation required to be made, is not of a substantial nature.

Therefore, the Government of Maharashtra directed the said Corporation to undertake the variation to the said scheme No.III under sub section (2) of section 91 of the said Act as mentioned in the Notification bearing No.TPB-4398/ 952/ CR-191/ 98/ UD-11, dt.3/2/2001.

The Municipal Corporation of Greater Mumbai vide letters dt.28/6/2001 & 12/7/2006 has requested the Government in Urban Development Department to give revised directions as mentioned in the said letters stating that unless the Government gives specific directions for variation in both the T.P. Schemes, the part of Final Plot No. 539 Town Planning Scheme No.III (admeasuring about 600 sq.mt.) cannot be transferred to the said allottee.

Municipal Corporation of Greater Mumbai on 20/4/2010 handed over the property cards of the above two plots - Final Plots No.1046 & Final Plot No.539 to the office of the Deputy Director of Town Planning, Greater Mumbai. As per these Property Register Cards ownership of F.P.No.1046 TPS IV Mahim is shown in the name of The Municipal Corporation of Greater Mumbai and the ownership of F.P.No.539 TPS No.III Mahim in respect of 600 sq.mt. is shown in the name of the said allottee.

In the property card of F.P.No.1046 (TPS No. IV) it is mentioned that the name of the Municipal Corporation of Greater Mumbai has been brought on the record as per Assistant Commissioner (Estate) Municipal Corporation of Greater Mumbai's letter No.AC/ Estates/ 20405/ AD (Soc) dt.21/9/2007 and AC/Estates/ 21809/ Society dt.18/3/2008 and also as per the letter of Executive Engineer's (T.P.), M.C.G.M. letter No. DETP / N / Mahim / IV / 1659 / TPS, dt.14/3/2008, possession on 21/4/1983 in exchange of an area of 600 sq.mtr. out of F.P.No.539 of T.P.S.-III Mahim vide M.R.No.611/2008 is taken over by the M.C.G.M.

In the property card of F.P.No.539 (TPS No. III) it is mentioned that "the Municipal Corporation of Greater Mumbai has given 600 sq.mtr. out of this holding to M/s Canara Food Processors Pvt. Ltd. in exchange of their F.P.No.1046 of TPS-IV vide as per Assistant Commissioner (Estate) MCGM letter No. AC/Estates/ 20405/ 40/ (800), dt. 21/9/2007 and letter No. AC/Estates/ 21809/ Society dt.18/3/2008 and also as per the letter of Executive Engineer (TP), MCGM letter No.DEPT/ V/ Mahim/ IV/1659/TPS, dt.14/3/2008, possession on 21/9/1983 vide M.R.No.612/2008 is handed over to the said allottee.

In view of above, the Government of Maharashtra direct the said Corporation to undertake variation to both the Town Planning Schemes Mumbai City No.III for Mahim area as well as Town Planning Scheme Mumbai City No.IV for Mahim area under section 91 of the said Act in respect of the following –

1) Area of about 600 sq. mt. be deleted from reservation of Market Cum Housing for Dishoused clamped on Final Plot No.539 of Town Planning Scheme Mumbai City No.III (Mahim Area) as shown in the accompanying plan and shall be allotted to M/s. Canara Food Processors Pvt. Ltd.

2) Final Plot No.1046 of Town Planning Scheme Mumbai City No.IV which was allotted to M/s Canara Food Processors Pvt. Ltd. now to be allotted to the Municipal Corporation of Greater Mumbai and shall be reserved for "Municipal Retail Market and Housing for Dishoused".
3) The said Corporation shall accordingly prepare & publish the draft variation as per provisions laid down under section 91(2) of the said Act within a period of six months from the date of issue of this notification.
4) The above directions supercedes the previous directions issued vide Notification No. TPB 4398/952/ CR-191/ 98/UD-11 dt.3/2/2001.

By order and in the name of the Government of Maharashtra.

(Rajendra Habde)
Under Secretary to Government.